



## **Town of Moultonborough Planning Board**

### **Notice of Decision** **Conditional Use Permit**

**White Pines Trust**  
**Robert E. White & Sharon White, Trustees**  
**Tax Map 194, Lot 34.1**

**June 22, 2016**

**Applicant:**    **White Pines Trust**  
                     **Robert E. White & Sharon White, Trustees**  
                     **2408 Shaker Lane**  
                     **Frederick, MD 21702**

**Location:**    **Eagle Shores Road (Tax Map 194, Lot 34.1)**

On June 22, 2016, the Planning Board of the Town of Moultonborough opened a public hearing on the application of White Pines Trust, 2408 Shaker Lane, Frederick, MO 21702 (hereinafter referred to as the "Applicant" and/or "Owner") to allow construction of a driveway that will cross a forested wetlands and its required 50' wetlands setback in the Residential Agricultural (R/A) Zoning District.

The public hearing was closed on June 22, 2016. At the regularly scheduled Planning Board meeting on June 22, 2016 the Board voted by a vote of seven (7) in favor (Bartlett, Kumpf, Farnham, Quinlan, Hoch, Larson, Wakefield), none (0) opposed, to **GRANT** their request for a Conditional Use Permit subject to the following conditions:

#### **1. Conformance with Plan**

Work shall conform with the revised plans entitled, "Moultonborough Conditional Use Permit, Proposed Conditions, land of White Pines Trust, Tax Map 194 Lot 34.1, Eagle Shore Road, Moultonborough, Carroll County, NH" prepared by Ames Associates, 164 NH Route 25, Meredith, NH 03253 and dated 5/26/2016.

#### **2. Amendments**

Any modification to the revised approved plans created by Ames Associates, titled "Moultonborough Conditional Use Permit, Proposed Conditions, land of White Pines Trust, Tax Map 194 Lot 34.1, Eagle Shore Road, Moultonborough, Carroll County, NH" and dated 5/26/2016, and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant

shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

**3. Endorsement of Plan**

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved plan, subject to conditions of this approval, which shall be filed in the Town of Moultonborough. The conditions of approval of this Conditional Use Permit shall be placed on the final plans, within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

**4. Transfer of Ownership**

Within five (5) days of transfer of ownership of the site, the Applicant, their successors or assigns, shall notify the Board in writing of the new owner's name and address. The terms, conditions, restrictions and/or requirements of this decision shall be binding on the new owner and its successors and/or assigns.

**5. Construction Practices**

All construction shall be carried out in accordance with Town of Moultonborough ordinances, as well as all other pertinent rules and regulations. Additionally, all staging of materials and equipment shall be on-site, and no equipment or materials not directly used in the construction of the site shall be located on site.

**6. Construction Requirements**

- a. All construction will occur on site; no construction will occur or be staged within Town rights of way.
- b. Any roadways, driveways, or sidewalks damaged during construction shall be restored to their original condition by the Owner prior to the issuance of a Certificate of Occupancy for the site.
- c. All construction shall occur between the hours of 6:00 am and 9:00 pm as required by the Town of Moultonborough Unnecessary Noise Ordinance (Section 10.2(6)).
- d. The applicant shall clean construction vehicles before they exit the construction site, and clean and sweep all streets affected by their construction truck traffic as necessary.

**7. Flagging of Wetland**

Flagging of the 50-foot buffer shall be required before and during any construction.

**8. Wetlands Impacts**

- a. Soil disturbance will be minimum necessary for construction and operation.
- b. Detrimental impacts will be minimized.
- c. Restoration activities will leave site as nearly as possible in its pre-disturbance condition.
- d. Construction work will not disturb habitat for rare, threatened or endangered species as determined by the NH Natural Heritage Bureau.
- e. All work shall be in conformance with NH DES Wetlands and Non-Site Specific Permit 2016-00604 approved 04/22/2016.

**9. Application of Best Management Practices**

Applicable industry Best Management Practices shall be employed for all construction activities on the site.

**10. Testimony and Representation at Public Meetings**

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

**11. Conditions of Approval**

- a. NH Licensed Surveyor stamp to be added to the plan prior to Planning Board Chairman Signature of the plat.
- b. Owner's signatures to be added to the plan prior to Planning Board Chairman Signature of the plat.
- c. Receipt of Town of Moultonborough Driveway Permits for both parcels, Tax Map 194 Lots 34 and 34.1.
- d. No salt shall be applied/used within the portion of the driveway which lies within the 50' wetlands setback.

**12. Right to Amend Decision**

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

**13. Violations**

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

**14. Final Plat**

Owners' signatures and the Surveyor's seal and signature added to the plat prior to the Chair signing, and that the final plat be submitted to the Development Services Office in electronic format to include both a pdf and an approved CAD file format.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.



Scott R. Bartlett  
Chairman, Planning Board

Date 6-27-16

